

Application of: Thomas Michael Steffl

Serial No.: 10/710,777

Amendment A

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings includes changes to Fig's.2 and 10. These sheets, which includes Fig's. 2, 9, 10 replace the original sheet including Fig's. 2, 9, 10. In Fig's. 2, 10, previously omitted data storage devices 3 have been added.

Attachments: Replacement sheets of drawings

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REMARKS

Applicant confirms the withdrawal of claims 16-24 directed to the method in favor of prosecuting claims 1-15. Upon allowance of this application, claims 16-24 will be cancelled.

Claims 5 and 11-13 stand objected to as being improper multiple dependent claims. The Examiner's pointing out the error in the recitation of the dependency in claim 5 is appreciated. Claim 5 has been amended to obviate this objection.

Claim 10 stands rejected under 35 USC 112 second paragraph as being indefinite. Claim 10 has been amended to reflect that the apparatus has a portion adapted to place a second storage device in a said carrier. This amendment should obviate the "112" rejection.

The drawings have been objected to for not showing a second storage device in a carrier. In this regard, Fig. 10 has been amended to show two data storage devices in a single carrier. The storage devices are shown in phantom and are numbered 3 in Fig. 10. Likewise, Fig. 2 has been amended to show the data storage devices in two separate stacks. With these amendments to the drawings, the objections to the drawings have been overcome. No new matter is introduced since the specification clearly supports, as did the original claims, the placing of a plurality of storage devices into a single carrier device.

Applicant's attorney notes with appreciation the thoroughness of the prosecution provided by the Examiner in the instant application.

Claims 1-4, 6-10 and 15 stand rejected under 35 USC 102(b) as being anticipated by Proffitt, et. al. The Examiner characterized the device of Proffitt, et. al. in some detail. Claim 1 has been amended to more precisely define the structure of the present invention. Claim 1, and all the claims depending therefrom, now have the guide structure having a portion positioned to

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overlie a lower portion of a carrier recess and that the groove is between a portion of the guide structure and a portion of the first conveyor, and finally, that the guide structure has a portion positioned to engage and support a portion of the data storage device adjacent the opening. The characterization of the guide structure on Page 6 of the Office Action is believed to be in error. The alleged guide structure of Proffitt, et. al., parts 145, 146 is really not a guide structure but a structure to position sleeves in and to open the sleeve into which a CD or the like is placed by an arm or a drive mechanism 121. The disclosed structure does not have the structure as defined in claim 1. Thus, Proffitt, et. al. will not support an anticipation rejection of claim 1 and the claims depending therefrom. Additionally, the sleeve of Proffitt, et. al. is held in a generally vertical orientation in the alleged guide structure and therefore does not meet the limitation of claim 4 as originally presented. Proffitt, et. al. does not appear to teach the limitation of claim 10.

Claims 5 and 11-13 were not acted upon because of an objection to the form of dependency. It is submitted that with the amendment to claim 5 that claims 5 and 11-13 are in proper form now and because they depend from an allowable claim, they are also allowable. In addition, neither Proffitt, et. al. nor Cornauer disclose or suggest the defined structure and the claims are hence allowable over the cited reference of record.

Claims 1-4 stand rejected under 35 USC 102(b) as being anticipated by Cornauer. Cornauer discloses an apparatus similar in construction to that of Proffitt, et. al. It drops CD's or the like into an open top sleeve or envelope which is held in a support structure. In view of the limitations contained in claim 1 and the claims depending therefrom, Cornauer does not disclose the elements that have been added to claim 1. The arguments applied regarding the Proffitt, et. al. reference also apply to Cornauer.

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In view of the foregoing arguments and the amendments to the claims and the drawings, it is submitted that this application is in a condition for allowance and of formal allowance of the claims is respectfully solicited.

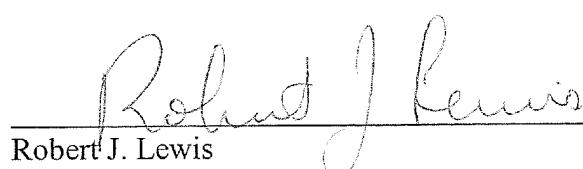
The Examiner indicated that claim 14 would be allowed if written in independent form. Newly presented claim 25 is claim 14 written in independent form as suggested by the Examiner.

Applicants' request for extension of time under 37 CFR 1.136(a) as well as Applicants' petition fee are enclosed herewith and filed simultaneously with this response.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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